

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
AMARILLO DIVISION**

STATE OF TEXAS,  
CARMEN ROBLES FROST,  
*Plaintiffs,*

v.

XAVIER BECERRA, in his official capacity as Secretary of Health and Human Services; RACHEL LEVINE, in his official capacity as Assistant Secretary for Health; JESSICA SWAFFORD MARCELLA, in her official capacity as Deputy Assistant Secretary for Office of Population Affairs; OFFICE OF THE ASSISTANT SECRETARY FOR HEALTH; UNITED STATES DEPARTMENT OF HEALTH & HUMAN SERVICES; UNITED STATES OF AMERICA,  
*Defendants.*

No. 2:24-cv-00159

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**NOTICE OF DISMISSAL WITHOUT PREJUDICE**

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The State of Texas and Ms. Carmen Robles Frost respectfully submit this Notice of Dismissal pursuant to Rule 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure, dismissing all claims in the complaint (Dkt. 1) against Defendants without prejudice, and with each party to bear its own fees and costs, and show the Court as follows:

1. Defendants have represented that “HHS is not enforcing the challenged” agency rule in Texas. Dkt. 29 at 9.
2. Plaintiffs consider this binding representation, indicating that HHS will not enforce the regulations at issue within the State of Texas in any way, to have been made in good faith.

3. Accordingly, in reliance on the binding representations made in Defendants' Motion to Dismiss for Lack of Jurisdiction, Plaintiffs dismiss their claims without prejudice.

Dated: November 26, 2024

Respectfully submitted.

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/s/ Amy Snow Hilton  
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**CERTIFICATE OF SERVICE**

I certify that a true and accurate copy of the foregoing document was filed electronically (via CM/ECF) on November 26, 2024, and that all counsel of record were served by CM/ECF.

/s/ Amy S. Hilton  
**AMY S. HILTON**